

**Municipal Review Committee  
Planning & Zoning Conference Room**

**September 13, 2004  
7:00 p.m.**

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Attendance: Phil Sgamma, Chairperson  
Dan Michnik, MRC Member  
Matt Balling, MRC Member  
Paul Shear, MRC Member  
Rich McNamara, MRC Member  
Lou Depowski, MRC Member  
John Moulin, MRC Member  
Scott Bylewski, Town Board Liaison  
Jeff Grenzebach, Planning Board Liaison  
James Callahan, Ex-Officio Member, Dir. of Community Development  
James Hartz, Asst. Dir. Of Community Development  
Phil Silvestri  
Calvin Caruso  
Joe Muscarella  
Lou Visone, Jr.  
Al Hopkins

Minutes of the July 19, 2004 Meeting

ACTION: Motion by Dan Michnik, seconded by John Moulin, that the board accept the minutes of the July 19, 2004 as official record.

VOTING: All Ayes.

MOTION PASSED

Agenda Item I - Comprehensive Zoning Law Amendment

Phil Sgamma said that they have reviewed the Environmental Assessment Form (EAF) parts I, II, & III. Jim Callahan said that the fifth draft of the proposed zoning has been prepared and the expanded part III assessment does state that it has been prepared in conformance with the Town's comprehensive plan and will not have a significant effect on the environment.

ACTION: Motion by Matt Balling, seconded by John Moulin, that the board recommends that the Town Board issue a negative declaration on this proposed action. The action of adopting the fifth draft of the revised Town of Clarence Zoning Law is an action whose sole purpose is to protect the health, safety, and general welfare of the community and should not pose any significant, adverse environmental impacts upon the community.

VOTING: All Ayes

MOTION PASSED

**Agenda Item II - Bubble Boy Car Wash**

Phil Silvestri gave a brief presentation of the site plan details. The building would be 40' x 115' and have an entrance next to the existing single-family residence on Transit Road. The home would be maintained as a separate entity and rented out by Mr. Caruso. The entrance drive allows access to the queuing line that can hold thirty-one vehicles. There is separate employee parking. Phil Silvestri said that preliminary conversations with the DOT showed that they would rather see one entrance lane and one exit lane at Transit Road rather than two exit lanes.

Phil Sgamma mentioned that the lot is very narrow for two principal buildings. That issue will have to be dealt with at the Planning Board. It may be a violation of the zoning requirement for public road frontage. The MRC's biggest issue is with traffic and making sure that we do not create a problem. There is restrictive striping that forces a left lane merge at the property and allowing this use would certainly add a conflict point that was not there before.

Jim Callahan read a letter from the Town of Amherst Planning Department on the proposed location of the access drive related to Deercreek Lane in the Town of Amherst. The offset of the two drives creates conflict points on Transit Road that may create a serious problem.

Paul Shear said that the restrictive lane striping for north bound that does not allow for safe left turns out of your property. There is no safe turning lane at that point along Transit Road. We are inclined to have a traffic study done to gain a better understanding of the traffic situation. He believes it is the only issue that is outstanding.

Phil Sgamma said that they do not want to be obstructionist. One of our options would be to declare a positive declaration on this project regarding the traffic, or we could table the item so that you could do the study yourself and when it is complete we could look at it and possibly issue a negative declaration if the mitigation is acceptable.

Matt Balling said that there are five different areas of the traffic study that they would be looking for, which include, vehicle queuing, pavement striping, line of sight, the location of Deercreek Lane, and the location of the Tops Market driveway.

Phil Sgamma suggested, in the meantime, the applicant may want to get an opinion from the Planning Board as to the minimal public road frontage issue.

**ACTION:** Motion by Matt Balling, seconded by Lou Depowski, that the MRC recommends that the Town Board issue a positive declaration on this proposed action. The scope of the EIS shall be traffic and specifically, vehicle queuing, pavement striping, line of sight, the location of Deercreek Lane and the location of the Tops Market driveway.

QUESTION: Rich McNamara suggested that they also look at the intersection of County/N. French and Transit Road.

VOTING: All Ayes.

MOTION PASSED

Agenda Item III – Visone 4-lot Open Development Area

Al Hopkins, from Metzger Engineering, and Lou Visone were present to describe the project and answer any questions. Al Hopkins reiterated that the applicant has no intention on doing the major subdivision at this time. He gave a brief history of the review process to date. Phil Sgamma mentioned that because he has property adjacent to this project that he will be recusing from any vote or discussion on this matter.

Lou Visone, Jr. said that this project has been before everybody and their brother for over a year. He has no intentions on doing the major subdivision. He was forced to do the engineering for the major subdivision and that has cost him several thousand dollars. He said Natale's 4-lot Open Development went through the Town's review process very quickly, and this one has taken a year.

Jim Callahan said that the segmentation issue has created a difficulty for the board in reviewing the 4-lot Open Development, because the applicant owns an adjacent thirty-six (36) acres.

Paul Shear stated that he does not believe that this 4-lot is dependent on the other property and that any other project is speculative at best.

Scott Bylewski stated that he believes that it is the duty of the board to review the cumulative impacts of all potential projects on the balance of the property to make a determination of significance on the 4-lot open development.

Lou Visone said that the presence of the escarpment on his property is not an unusual land formation through his property. Further down the road when it is a rock ledge, it is a different story. It's more like a knoll where he is.

Matt Balling said that he had six items that could be potentially significant impacts he identified through his part II analysis of the EAF which include the presence of sensitive environmental resources, the low-profile bedrock outcropping, the potential occurrence of the Northern Tansy Mustard Plant, the lack of public sewers (the Master Sewer Plan shows sewers along Goodrich Road), the significant loss of tree canopy, construction noise and blasting, access to public utilities, and traffic. Matt said that he believes that the board should be looking at the entire property when making a determination of significance.

Jim Callahan said that under the law, there are acceptable circumstances when segmentation is legal. Some of the supporting reasons stated in the Department Of State publication include; when future project phases are speculative, may never occur, or are functionally independent.

Matt Balling said that the four-lot open development may be linked to the larger subdivision proposal if a problem arises with the future development, such as on the eastern end of the property. The southernmost exit of the future development along Goodrich Road may experience a traffic problem due to the proximity of Main Street.

Lou Visone, Jr. said that he may not exit onto Goodrich at all. He may be placing his own house in this area and would not want a road there. Al Hopkins said that any future phases would require a full environmental review. They will comply with all Health Department requirements and it is only 4 homes over 8 acres. Traffic is not an issue.

Lou Depowski said that he does not believe that this four-lot open development should be held up on a segmentation issue. We can look at the major subdivision if he brings it in at a later date they will require separate EAFs at that time.

ACTION(1): Motion by Matt Balling to seek Lead Agency on the four-lot open development, no second. MOTION FAILED

ACTION(2): Motion by Paul Shear, seconded by Lou Depowski, that the board recommend that the Town Board issue a negative declaration on this proposed action knowing that it is a segment of the contiguous acreage, but any project on the remainder of the property is extremely speculative, and any project proposed on the adjacent property will go through a full environmental review.

VOTING: Ayes: Shear, Depowski, McNamara, Michnik, Moulin  
Nays: Balling  
Abstain: Sgamma MOTION PASSED

#### Miscellaneous Items:

#### Type I SEQRA List Amendment

ACTION: Motion by Phil Sgamma, seconded by Dan Michnik, to recommend that the Town Board set a public hearing to consider adoption of the amended Type I Action list for proposed actions in the Town of Clarence.

VOTING: All Ayes. MOTION PASSED

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**September 13, 2004  
7:00 p.m.**

MRC Committee Bylaws

The proposed bylaws were circulated among the board members and there was some general discussion regarding some items. The board will be ready to discuss this item at their next meeting.

The next meeting was established for Monday October 18<sup>th</sup> at 7:00 p.m. with a **6:30 p.m.** work session.

Meeting adjourned at 8:40 p.m.